

Constance Van Kley  
Rylee Sommers-Flanagan  
UPPER SEVEN LAW  
P.O. Box 31  
Helena, MT 596024  
Telephone: (406) 396-3373  
constance@uppersevenlaw.com  
rylee@uppersevenlaw.com

Niki Zupanic  
ZUPANIC LAW PLLC  
P.O. Box 1982  
Helena, MT 59624  
Telephone: (406) 461-5178  
niki@zupaniclaw.com  
*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA  
BUTTE DIVISION**

THE IMPERIAL SOVEREIGN COURT  
OF THE STATE OF MONTANA;  
ADRIA JAWORT; RACHEL  
CORCORAN; MONTANA BOOK  
COMPANY; IMAGINE BREWING  
COMPANY, LLC d/b/a IMAGINE  
NATION BREWING COMPANY;  
BUMBLEBEE AERIAL FITNESS; THE  
WESTERN MONTANA COMMUNITY  
CENTER; MONTANA PRIDE; THE  
GREAT FALLS LGBTQ+  
COMMUNITY CENTER; THE ROXY  
THEATER; and THE MYRNA LOY,  
*Plaintiffs,*

vs.

AUSTIN KNUDSEN; ELSIE  
ARNTZEN; and J.P. GALLAGHER,  
*Defendants.*

Cause No.  
CV-23-50-BU-BMM

**Statement of  
Stipulated Facts  
as to Counts IV & V**

The parties to Counts IV and V of the First Amended Complaint—all Plaintiffs and Defendants Austin Knudsen and Elsie Arntzen—submit the following stipulated facts relevant to Counts IV and V, pursuant to Local Rule 16.2(b)(3) and the Court’s Order dated November 6, 2023.

1. Representative Braxton Mitchell introduced HB 359 on January 31, 2023.

2. HB 359 was enacted on May 22, 2023.

3. Upon violation of HB 359, the law provides for various criminal, civil, and administrative penalties.

4. On July 17, 2023, a group of Montana organizations, businesses, and individuals filed a First Amended Complaint to challenge HB 359 as applied and as facially unconstitutional.

5. As of July 17, 2023, the date of the filing of the First Amended Complaint, Defendant Austin Knudsen is the Attorney General of the State of Montana.

6. As of July 17, 2023, the date of the filing of the First Amended Complaint, Defendant Elsie Arntzen is the Superintendent of Public Instruction for the State of Montana.

Respectfully submitted this 20th day of November, 2023.

/s/ Constance Van Kley  
Upper Seven Law

/s/ Niki Zupanic  
Zupanic Law PLLC

*Attorneys for Plaintiffs*

/s/ Michael Russell  
Michael Russell

*Attorney for State Defendants*